

8 May 1823.



(Ireland.)

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B I L L

To consolidate and amend the several Acts now in force, so far as the same relate to the Election and Return of Members to serve in Parliament, for Counties of Cities and Counties of Towns in *Ireland*.

WH^{ereas} it is expedient to consolidate and amend the several Acts now in force, so far as the same relate to the election and return of Members to serve in Parliament for counties of cities and counties of towns in *Ireland*;

- 5 **Be it therefore Enacted** by The KING's most Excellent MAJESTY, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, THAT from henceforth so much of an Act, passed in the Parliament of *Ireland* in the thirty-fifth year of
10 the reign of his late Majesty King *George* the Third, intituled, "An Act for regulating the Election of Members to serve in Parliament, and for repealing the several Acts therein mentioned;" and also, so much of an Act, passed in the thirty-seventh year of the reign of King
15 *George* the Third, intituled, "An Act for the further regulation of the Election of Members to serve in Parliament;" and also, so much of an Act, passed in the forty-fifth year of the reign of King *George*
the Third, intituled, "An Act for amending an Act passed in the Parliament of *Ireland*, in the thirty-fifth year of His present
20 Majesty, for regulating the Election of Members to serve in Parliament, so far as relates to Freeholds under the yearly value of Twenty Pounds, and for making further and other Regulations relating thereto;" and also, so much of an Act, passed in the first
25 year of the reign of King *George* the Fourth, intituled, "An Act for the better regulation of Polls, and for making further Provision touching the Election of Members to serve in Parliament for *Ireland*," as relate to the election of Members to serve in Parliament for any county of a city or county of a town, shall be Repealed.

331.

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AND

1 G. 4. c. 50.

AND whereas the number of Justices who are empowered to act within several of the counties of cities or counties of towns in Ireland, agreeable to the charters thereof, is extremely limited, and often confined to those who from age and infirmity are incapacitated for active performance of duty: AND whereas it is necessary to provide against any consequent inconvenience or delay of persons possessed of freehold property, who wish duly to register such freeholds, and to qualify themselves for exercising the elective franchise; BE it further Enacted, That in all counties of cities and counties of towns in Ireland, on the day immediately preceding the opening of each general quarter sessions of the peace, unless such day shall fall upon a Sunday, and in such case on the day next but one preceding the opening of each general quarter sessions of the peace, and upon the day immediately after the criminal and other business of every such sessions shall have been fully transacted, unless such day shall fall upon a Sunday, and in such case on the second day after such business shall have been fully transacted, the mayor or other chief magistrate of such county of a city or county of a town, or his sufficient deputy appointed by him pursuant to charter or prescription, in case of his absence from such city or town, or his illness, shall, upon being required so to do by any freeholder of such county of a city or county of a town, hold an open court of sessions for the purpose of registering all such freeholders as shall present themselves for that purpose, in such manner and form as is by this Act required; and that the said mayor or other chief magistrate, or his deputy, shall commence his sitting on each day at the hour of of the clock in the forenoon, and shall continue it until the hour of of the clock in the afternoon: Provided, however, That in case any Justices of the peace for said county of a city or county of a town, shall attend at such sessions during the time appointed for the attendance of the said mayor or other chief magistrate, upon such respective days or either of them, or during any portion of such time, then and in such case the attendance of the said mayor or other chief magistrate shall not be required during the time of the attendance of such Justices of the peace.

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same as being of the value of pounds,
or pounds, such person shall in
open court, at some sessions to be held as aforesaid, or adjournment
thereof, before the mayor or other chief magistrate, or his deputy, or
before Justices of the peace, or before the
recorder or deputy recorder presiding thereat, take and subscribe the
following oath [or, if a Quaker, the following affirmation];

“ I, of in the county of 27 G. 5. c. 1.
“ or of the city or town of Oath of Free-
10 “ [as the case may be] do swear [or, if a Quaker, do affirm] holder, not
“ That I am a freeholder of and Rent charge
“ that I have, and am now in actual possession of a freehold 24 L. or 25 L.
“ therein, arising from a house or houses, or from land, or
“ both, or other hereditaments [as the case may be] of the
15 “ clear yearly value of or
“ [as the case may be] above all charges payable
“ out of the same, lying and being at or in [naming the land
“ out of which such freehold shall arise, if the same shall arise
“ out of land, or the street or place where such house or houses
20 “ or other hereditaments shall be situate, by case such freehold
“ shall arise out of any house or houses, or other hereditaments]
“ in the county of the city [or, county of the town, as the
“ case may be] of and that the said
“ freehold does not arise from a rent-charge, nor have
25 “ I procured it fraudulently, nor has it been granted
“ fraudulently to me, or in exchange for a freehold in any
“ other county.”

And he it further Enacted, That when any person, seized of any
freehold in any county of a city or county of a town, which freehold
30 shall consist of a rent-charge, shall be desirous to register the same
as being of the value of pounds,
or pounds, such person shall in
open court, at some sessions to be held as aforesaid, or adjournment
thereof, before the mayor or other chief magistrate, or his deputy, or
35 before Justices of the peace, or before the
recorder or deputy recorder presiding thereat, take and subscribe the
following oath [or, if a Quaker, the following affirmation]:

“ I, of in the county 25 G. 5. c. 24.
“ of or of the city or town of 27 G. 5. c. 16.
40 “ [as the case may be] do swear [or, if a Quaker, do affirm] Oath of Rent-
“ That I am a freeholder of and charge, 20 L.
“ that I have a freehold therein of the clear yearly value or 25 L.
“ of or [as the case may be] at the
“ least, above all charges payable out of the same, consisting
45 “ of a rent-charge granted by deed, bearing date the
“ day of in the year
“ [if the same shall be granted by deed, and in case it shall
“ not

" not be granted by deed, then stating the particulars of the
 " title of such person to such rent-charge on a house or houses,
 " or on land, or both, or other hereditaments, as the case may
 " be] lying and being at or in [naming the land out of which
 " such rent-charge shall arise, if the same shall arise out of
 " land, or the street or place where such house or houses, or
 " other hereditaments, shall be situate, in case such rent-charge
 " shall arise out of any house or houses, or other heredita-
 " ments] in the county of the city or county of the town
 " [as the case may be] of and that I am
 " in the possession thereof to the clear amount of
 " or [as the case may be] yearly
 " value thereof, and am entitled to receive the same as it
 " becomes due."

And be it further Enacted, That every person who shall be seised
 of a freehold under the value of in any
 county of a city or county of a town, and who shall be desirous to re-
 gister the same, shall in open court, at some sessions to be held afore-
 said, or adjournment thereof, before the mayor or other chief magis-
 trate, or his deputy, or before Justices of the peace, or
 before the recorder or deputy recorder presiding thereat, produce the
 deed lease or instrument under which his freehold shall arise, and
 shall take and subscribe the following oath [or, if a Quaker, the
 following affirmation]:

" I, of in the
 " county of or of the city or town of
 " [as the case may be] do swear, [or, if
 " a Quaker, do affirm] That I am a freeholder of
 " and that I have a freehold therein, arising from a house or
 " houses, or from lands, or both, or other hereditaments, [as
 " the case may be] of the clear yearly value of
 " at the least, above all charges payable out of the same,
 " lying and being at or in [naming the land out of which
 " such freehold shall arise, if the same shall arise out of land,
 " or the street or place where such house or houses, or other
 " hereditaments shall be situate, in case such freehold shall
 " arise out of any house or houses, or other hereditaments] in
 " the county of the city [or, county of the town, as the case
 " may be] of and that the said
 " freehold does not arise from a rent-charge, and that the
 " same arises by virtue of the deed, or by virtue of the lease,
 " or by virtue of the instrument, or by virtue of the deed
 " lease or instrument [using all or any or either of the said
 " terms, deed, lease or instrument] which I now produce,
 " bearing date the day of in the
 " year of for the life or
 " lives of [or, in case the said
 " freehold be not for life or lives, then stating the nature of
 " his

45 G. 3. c. 1.
 51 G. 3. c. 1.
 Oath of 40s.
 Freeholder.

" his tenure, as the case may be] at the yearly rent of
" [specifying the whole yearly rent, or the
" yearly rent per acre, or such yearly rent per acre, together
" with the number of acres] and that I am in the actual
" occupation thereof by residing thereon, or by tilling or
" by grazing, or by both tilling and grazing [or, by all or
" any or either of the said means, stating the same copu-
" latively or disjunctively, as the case may be] to the amount
" of at least yearly value thereof,
" and that the said freehold is not let or agreed to be let to
" the person or persons who executed the said deed lease
" or instrument [as the case may be] or to the heirs or
" assigns of such person or persons, or to any one in trust,
" for him her or them, nor do I intend to let the same to
" such person or persons, or any of them; and that I have
" not agreed to let it for the term for which I hold it, nor
" have I procured it fraudulently, or in exchange for a
" freehold in any other county.

" So help me GOD."

And if the freehold in right of which any person shall desire to qualify himself to vote, shall not arise by virtue of a deed lease or instrument, the person desiring to register it shall describe the same in the oath or affirmation so to be taken by him, according to the true state and nature of his tenure, in which case the words in the foregoing oath, importing that the same arises by virtue of a deed lease or instrument shall be omitted, and such description inserted in the place thereof.

Persons having Free holds not arising from a Deed or Lease, to describe the same in the Oath to be taken by them.

And be it further Enacted, That no public or parliamentary tax, county, church or parish cess, on any townland or division of any parish or barony, shall be deemed any charge payable out of any freehold estate, within the meaning of this Act, or any of the foregoing oaths or affirmations.

No Tax, Cess, &c. shall be deemed a charge, &c.
35 G. 3. c. 31.

And be it further Enacted, That every such oath or affirmation as is hereinbefore mentioned, shall when sworn or affirmed to, be signed by the said mayor, or other chief magistrate or his deputy, or before such Justices of the peace, or before the recorder or deputy recorder presiding at such sessions as aforesaid, and shall be then and there delivered by such mayor, or other chief magistrate or his deputy, or by such Justices of the peace, or by the said recorder or deputy recorder, to the clerk of the peace of such county of a city or county of a town, to be filed and kept amongst the records of the court.

Oath to be signed by Mayor, Justice or Recorder, &c. and delivered to Clerk of the Peace.
25 G. 3. c. 31.
45 G. 3. c. 4.
1 G. 4. c. 30.

And be it further Enacted, That where the freehold, whether consisting of a rent-charge or not, shall be of the clear yearly value of pounds, and the freeholder who shall be seised of the same shall take and subscribe the oath or affirmation (as the case may be) respectively, required as aforesaid, to be by him
331. B taken,

Where 50 L. Freeholders take Oath as above in Dublin, or at Assizes, &c. such may be produced at Sessions, &c.

and shall be
as good as
if taken at
Sessions.

33 G. 2. c. 26.

taken, for registering a freehold (whether rent-charge or not) as of the value of _____ pounds, in any of the courts of King's Bench, Common Pleas or Exchequer, in the city of Dublin, or at any assizes, and the same shall be subscribed by _____ of the judges of such courts, or the judge of assize, such oath or affirmation so subscribed, may be produced at any sessions of the peace as aforesaid, held in the county of the city or county of the town, where such freehold lies, and when read aloud there in open court, shall be signed by the mayor or other chief magistrate or his deputy, or by the Justices of the peace, or by the recorder or deputy recorder presiding there, and shall then be delivered by the court to the acting clerk of the peace, to be filed and kept amongst the records of such county of a city or county of a town, and every such oath or affirmation so taken shall be of equal effect for registering such freehold, within the meaning of this Act, as if it had been made at the sessions of the peace as aforesaid.

Freeholders
on actual ser-
vice in Army
or Militia,
may register
where they
are quartered.

37 G. 5. c. 6.

And be it Enacted, That if any person seized of a freehold, whether consisting of a rent-charge or not, shall be in actual service either in the army or militia, out of the county of a city or county of a town where such freehold lies, and shall take and subscribe the oath or affirmation required by this Act, to be by him taken for registering such freehold, at any sessions of the peace or adjournment thereof, held in the county town or city in which he shall be quartered or stationed, stating therein the regiment, battalion, troop or company (as the case may be) to which he belongs, such affidavit shall be subscribed by the mayor or other chief magistrate or his deputy, or by the Justices of the peace, or by the recorder or deputy recorder presiding thereat, and countersigned by the clerk of the peace for such county town or city, who shall certify that the corps in which he serves is quartered or stationed therein, and such oath or affirmation so subscribed and countersigned may be produced at any sessions of the peace or adjournment thereof, or at any adjournment of an adjournment held in the county of the city or county of the town in which such freehold lies, and when read aloud therein in open court, shall be signed by the mayor or other chief magistrate or his deputy, or by the Justices of the peace, or by the recorder or deputy recorder presiding there, and shall be delivered to the acting clerk of the peace, to be filed and kept amongst the records of the county; and every such oath or affirmation so taken shall be of equal effect for registering such freehold, as if it had been made at the sessions of the peace for the county of the city or county of the town in which such freehold is situated.

1 G. 4. c. 22.

Freeholds not
to be regis-
tered, unless
instruments
under which
they are be
stamped.

Provided always, and be it Enacted, That the mayor and other chief magistrate or his deputy, or the Justices of the peace, recorder or deputy recorder presiding at such sessions, shall not allow any person to register his freehold, by virtue of any written instrument, unless the same be stamped according to law, and the clerk of the peace shall state in every certificate to be provided by him, as aforesaid, of the registry of a freehold registered by virtue of a written instrument,

there compare the deed, lease or instrument, with the affidavit of registry.

Registry not
to be im-
peached for
irregularity
in Session.
17 G. 3. c. 11.

And be it further Enacted, That the registry of any freehold shall not be impeached on account of any irregularity in the holding or adjourning of any sessions, from whence the sessions at which such freehold shall have been registered shall have been adjourned, either directly or by any adjournment or adjournments, provided such latter sessions shall have been duly and regularly held in all other respects,

1 G. 4. c. 45.
Freeholds of
Persons
already regis-
tered, not to
be affected.

And be it further Enacted, That nothing in this Act contained shall extend or be construed to extend, so as to limit abridge or defeat the franchise of any person or persons, who before the passing of this Act, shall have duly registered his or their freehold or freeholds, under the Act or Acts in force at the time of such registry.

Penalties on
Mayor, &c.
for neglect
of duty.
1 G. 4. c. 53.

And be it further Enacted, That if the mayor or other chief magistrate of any county of a city or county of a town, shall neglect or wilfully omit to hold any such session by himself, or by his sufficient deputy, in manner and form as herein before directed, upon being required so to do, by any freeholder of any county of a city or county of a town, or if any mayor or other chief magistrate, or the Justices, recorder, or deputy recorder, presiding at any sessions of the peace to be held for any county of a city or county of a town, shall omit or neglect, or wilfully refuse to register the freehold of any person duly qualified, who shall present himself for that purpose to such mayor or other chief magistrate, Justices, recorder or deputy recorder, such mayor or other chief magistrate, Justices, recorder or deputy recorder so offending, shall forfeit the sum of

for each and every such neglect of duty; and that if the clerk of the peace for any county of a city or county of a town, shall neglect or omit to attend at any such sessions of the peace as aforesaid, upon due notice being given to him of the holding of the same, by any freeholder of such county of a city or county of a town, or shall neglect or omit to do all or any of the acts hereby required to be done by him, for the registry of freeholders, such clerk of the peace shall for every such offence, forfeit the sum of

such penalties to be recovered by information, in any of His Majesty's courts of record in *Dublin*; one moiety whereof shall be payable to our Lord the King, and the other moiety to him who shall sue for and recover the same.

1 G. 4. c. 53.
Clerk of the
Peace shall enter
Names in
alphabetical
Books.

And be it further Enacted, That the clerk of the peace of every county of a city or county of a town, shall enter in the form herein before appointed for the entry of freeholds, the substance of every affidavit of every freeholder, who shall have registered a freehold for such county of a city or county of a town, of

or from the

day

day of _____ and the substance
of every affidavit of every freeholder who shall have registered a free-
hold for such county of a city or county of a town, of

but such entries shall be made in alphabetical order,
according to the surnames of the persons who shall have registered
freeholds, and in separate books, having one book for each letter of
the alphabet; and each of such books shall be divided into three
parts, the first part containing the
freeholds, registered from the _____ of

containing the entries of _____ the second
from the same time, and the third part the entries of
freeholds; and such clerk of the peace shall affix before each name
a number, to show how many have been registered of each description
of freehold, under each letter of the alphabet; and shall also affix
before each name, the number affixed thereto in the original registry
book; and the clerk of the peace of every county of a city or county
of a town, shall from time to time enter in the same manner and
form every affidavit of registry which shall hereafter be made.

And be it further Enacted, That every clerk of the peace for every
county of a city or county of a town shall, within
after the _____ day of _____ in each year, cause
to be printed in the cheapest manner, and by contract, not less than
nor more than

1 G. 4. c. 30.
Copies of
Books to be
printed.

copies of all entries in such alphabetical books, of all affidavits or
affirmations of persons who shall have registered their votes within
the year then last past, ending on such _____ day of
_____ respectively; and that such clerk of the peace
shall deliver in each year one printed copy of each of such alphabetical
books to each Justice of the peace residing within such county of a
city or county of a town: Provided always, That the clerk of the
peace shall not suffer the original registry books to be out of his
possession, but shall cause copies of them to be made for the purpose
of printing the same.

And be it further Enacted, That every clerk of the peace of any
county of a city or county of a town, shall from time to time, at the
request of any freeholder of such county of a city or county of a town,
within ten days from such request, deliver to such person a true copy
of the registry of all freeholders which shall have been registered in
such county of a city or county of a town, as appearing on the original
registry books, or a true copy of the same as appearing in the alpha-
betical books hereinbefore mentioned, or the registry of any freeholds,
as appearing in any or either of the said books within any period to
be stated by the freeholder making such request, the said clerk of the
peace receiving for the same at the rate of

Clerk of the
Peace to fur-
nish Copies
of Entries
in Registry
Books.

35 G. 3. c. 25.

for every _____ persons names contained in the said copy,
and if any clerk of the peace shall omit to furnish a copy of the
registry of any freeholders as aforesaid, within the time hereinbefore

limited for such purpose, on being paid at the rate hereinbefore stated, such clerk of the peace shall for every such offence forfeit the sum of to any person suing for the same.

Clerk of Peace neglecting to do as herein, forfeits 100*l*. and is disqualified; for neglecting to attend at Sessions, &c. 50*l*.
25 G. 3. c. 44.

And be it further Enacted, That if any clerk of the peace shall omit or neglect to keep any of the books hereby required, or to make due entries therein in the order and form required, or to file any oath and affirmation delivered to him to be filed, and to preserve the same free from erasure, blot, interlineation or damage, he shall, for every such offence, forfeit the sum of pounds, and be incapable of serving as a clerk of the peace for any county; and if he shall neglect or refuse to attend at any sessions whereat freeholders may be registered by virtue of this Act, or shall omit to give copies of the registry books aforesaid, or any of them, or any part thereof, within a reasonable time after demand, he shall forfeit for every such offence, the sum of pounds to any person suing for the same.

Grand Juries may posit for expense of printing alphabetical Books, and providing Registry Books.
1 G. 4. c. 24.

And be it further Enacted, That it shall and may be lawful for the grand jury of every county of a city, or county of a town, and they are hereby authorized empowered and required, to present such sum or sums of money as shall be a proper remuneration to the clerk of the peace, for the expense of printing the aforesaid books, in the manner and form hereinbefore directed; such grand jury shall also present the expenses of providing the registry and alphabetical books hereinbefore mentioned: Provided always, That no such presentment be made until the contract for the printing such books be produced, and that it appear to the grand jury, that the clerk of the peace has caused the said books to be printed in the cheapest manner.

30 G. 3. c. 21.
No Freeholder to vote unless registered.

And be it further Enacted, That no person shall be admitted to vote at any election of a Member or Members to serve in Parliament, for any county of a city, or county of a town, by virtue of a freehold, unless such freehold shall have been registered in manner hereinbefore directed; and that no person who shall have registered any freehold, as of the value of

50*l*. and 50*l*. Freeholds to be registered 5 months before date of writ for holding election; and if let to terms under whom held, or for term for which held, to be registered 15 months.
27 G. 3. c. 2.

or such freehold not arising out of a rent-charge, shall be admitted to vote at any such election, unless such freehold shall have been registered months at the least before the date of the writ for holding such election; and if such person shall have let, or agreed to let, the same, to the person or persons from whom he holds it, or to the heirs or assigns of such person or persons, or to any one in trust for him her or them, or who has let, or agreed to let, the same, or more thereof than shall leave a residue sufficient to constitute such freehold for the term for which he holds it, then such person shall not be permitted to vote at any such election, unless he shall have registered such freehold months previous to the date of such writ; and that no person, having registered a freehold arising out of a rent-charge, shall be admitted to vote at any such election, unless such freehold shall have been registered months,

33 G. 3. c. 24, 25.
Rent Charge not to vote unless Freehold registered 20 months.

- months, at the least, before the teste of the writ for holding such election; and no person, having registered a freehold as of the value of forty shillings, shall be admitted to vote at any such election by virtue of any freehold which shall be let or demised to the person or persons from whom he holds or derives the same, or to any person in trust for him or them, or to his or their heirs or assigns, or which shall be let or demised to any person or persons for the same term for which he holds the same; and that no person, having registered a freehold as of the value of shall be
- 10 admitted to vote at any such election, unless such freehold shall have been registered months, at the least, before the teste of
- the writ for holding such election, except such freehold shall have come to him by descent, devise, marriage, or marriage settlement; and in case such freehold shall have come to him by descent, devise, marriage, or marriage settlement, then such person shall not be permitted to vote by virtue thereof, unless the same shall have been registered months previous to the teste of such writ.

- And be it further Enacted, That no person shall be admitted to vote at any election of any Member or Members to serve in Parliament for any county of a city or county of a town, by virtue of any freehold granted fraudulently, or in exchange for a freehold in any other county, or in consideration of any increase of rent out of any other lands in the same or in any other county, held by such person from the grantor, though such consideration be not expressed in the deed or grant.

- And be it further Enacted, That no person shall be admitted to vote at any election of a Member or Members to serve in Parliament, who is under the age of years.

- And be it Enacted, That if any person or persons shall fraudulently and knowingly grant any interest importing to be a freehold, which really is not so, with intent to enable any person to vote as a freeholder at any election of a citizen or citizens, by any county of a city or county of a town, such grant shall be good and valid against the grantor thereof, for every purpose but enabling the grantee to vote.

- And be it further Enacted, That if such grantor shall be possessed only of a term of years therein, and shall demise the same, or any part thereof, for a life or lives, with intent to induce the lessee therein to register such as a freehold for any county of a city or county of a town, or to vote as a freeholder thereout, he shall forfeit the sum of pounds to any person who shall sue
- 40 for the same, by action, bill, plaint or information, in any court of law.

- And be it further Enacted, That from and after the passing of this Act, all estates, grants, and conveyances whatsoever, made to any person

37 G. 3. c. 4.
38 G. 3. c. 25.

40 a. Freeholder not to be admitted to vote, if Freehold let to person under whom derived; or if Freehold let for term for which held; or unless 15 months registered; unless derived by descent, &c.
37 G. 3. c. 4.
If Freehold shall come by descent, to be 6 months registered.

None to vote by virtue of Freeholds granted fraudulently, or in consideration of increase of rent.
35 G. 3. c. 25.

None to vote under 21 years old.
35 G. 3. c. 25.

Grant fraudulently made as Freehold, to be void against Grantor.
40 G. 3. c. 2.

Penalty on persons making grants as Freehold, to induce Lessee to register them as Freeholds, having only term for years.
45 G. 3. c. 2.

Conveyances made fraudulently to qualify voters.

shall be deemed valid against the persons who grant them.
35 G. 3. c. 24.

All Covenants for re-emption shall be void.

Persons who execute or purport such Conveyances, or who vote under such, forfeit 100*l*.

No Trustee or Mortgagee to vote, unless in possession 10 months before the teste of Writ.
Mortgagee may vote.
35 G. 3. c. 27.

Clergymen not obliged to register Ecclesiastical Freeholds.
35 G. 3. c. 40.
None precluded who have disposed of a part, if they retain as much as returns to.
35 G. 3. c. 28.

Town Clerk or other proper Officer of city or town to keep Registry Book of persons to whom freedoms shall be granted.

person or persons in any fraudulent or collusive manner, on purpose or with intent to qualify him or them to give his or their vote or votes at any election or elections, citizens for counties of cities, burgesses for counties of towns, subject to conditions or agreements to defeat or determine such estates, grants and conveyances, shall be deemed and taken against the person or persons who granted such estate as free and absolute, and be holden and enjoyed by all and every person and persons to whom such conveyance or grant shall be made as aforesaid, freed and absolutely acquitted, exonerated and discharged, of and from all manner of trusts, conditions, clauses of re-entry, powers of revocation, provisions of redemption, or other defeazances whatsoever, between or with the said parties, or any other person or persons in trust for them; and that all bonds, covenants, collateral or other securities, contracts or agreements between or with the said parties, or any other person or persons in trust for them, or any of them, for the redeeming, revoking, or defeating such estate or estates, or for the restoring or re-conveying thereof, or any part thereof, to any person or persons, in trust for them or any of them, shall be null and void to all intents and purposes whatsoever; and that every person who shall make and execute such conveyance or conveyances as aforesaid, or being privy to such purpose, shall devise or prepare the same, and every person who, by colour thereof, shall give any vote at any election for any such Member to serve in Parliament, shall for every such grant and conveyance so made, or vote so created or given, forfeit the sum of pounds sterling to any person who shall sue for the same, to be recovered by information in any of His Majesty's courts.

And be it further Enacted, That no person shall be admitted to vote at any election by reason of any trust estate or mortgage, unless such trustee or mortgagee shall have been in the actual possession or receipt of the profits thereof, for his own use calendar months before the teste of the writ for holding such election, and the mortgagor or cestui que trust in possession (or both, as the case may be) may vote out of such estate, notwithstanding such mortgage or trust: Provided always, That no rector, vicar or curate, shall be obliged to register his freehold arising from his rectory, vicarage, curacy, or other ecclesiastical preferment, or be precluded from voting at any election, on account of his not having registered the same: Provided always, That no person shall be precluded from voting by virtue of any freehold, on account of having sold, aliened, or disposed of any part of the freehold, he shall have registered between the date of such registry and the day he shall offer his vote, if he shall have retained thereof to the annual value sworn in such registry.

And be it further Enacted, That the town clerk or other officer of each county of a city or county of a town in Ireland, who shall have charge of the books, whereby it shall appear to what persons the freedoms of such city or town shall be granted, and by which it shall appear what persons have been declared entitled to their freedom as of right,

right, shall keep a book containing a list of the names of the persons to whom all freedoms shall be granted, and of the persons who shall be declared entitled to their freedom as of right; and such town clerk or other officer shall, at the request of any freeman of the said city or town, within ten days from the time of making such request, deliver to such person a list of the names of the persons to whom such freedoms shall be so granted, and of the persons who shall be so declared entitled to their freedom as of right, within such time as shall be specified by such person, such town clerk or other officer receiving for the same at the rate of for every hundred persons names contained in such list; and if any town clerk or other officer as aforesaid, shall omit to keep a book containing the entry of such names, or shall omit to furnish a list of the names of such persons within the time appointed for furnishing the same as aforesaid, after request made as aforesaid, such town clerk or other officer shall for every such offence, forfeit the sum of to any person suing for the same.

25 G. 2. c. 42.
as to Free-
holders,
and give
Copies of
entries on
demand.

And be it farther Enacted, That any mayor, bailiff, town clerk or other officer, of any corporation having a right to return Members to Parliament, shall, upon the demand of any candidate for such corporation, on payment of permit such candidate agent or freeman, between the hours of at noon and in the afternoon, at any time before and within after any such election of Members to serve in Parliament, to inspect the books and papers wherein the admission of freemen shall be entered, and to have copies or minutes of the admission of so many freemen as such candidate agent or freeman shall think fit, upon payment to such mayor or other officer of for every such admission, and such books and papers shall, if demanded by such candidate or his agent or freeman, be produced by such mayor or other officer; and if such mayor or other officer shall refuse or deny such candidate agent or freeman the inspection of such books and papers at any election, if demanded and paid for in the manner hereinbefore set forth, such mayor or other officer shall, for every such offence, forfeit the sum of to him her or them who shall sue for the same, to be recovered in manner hereinafter mentioned.

Officers of
Corporations
to admit Can-
didates, &c.
as aforesaid,
mentioned,
to inspect
Books.

25 G. 2. c. 42.

Penalty for
refusal.

And be it further Enacted, That no person shall be admitted to vote as a freeman at any election of a Member to serve in Parliament, whose freedom shall not have come to him by service birthright or marriage, unless he shall have been admitted to his freedom or his freedom shall have been granted to him calendar months at the least, before the time of the writ for holding such election.

Freemen not
to be allowed
to vote unless
admitted to
freedom, or
freedom
granted to
them six
months before
time of Writ.
25 G. 2. c. 42.

And be it further Enacted, That immediately after the receipt of the writ for making an election for any county of a city or county of a town, the sheriffs or other returning officers of such county of a city or

Sheriffs shall
indorse on
Writs for
elections the
time of re-
ceiving three.

of, and make proclamation and affix notice as the Court direct; 1 G. 4. c. 5. ss 6. 2. & 4. & place of Election.

every county of a town, shall and they are hereby required to indorse thereon the date of receiving the same; and that such sheriffs or other returning officers shall within _____ days after the receipt of such writ, cause proclamation of the time and place of holding such election to be made at the usual place of holding such elections, between the hours of _____ of the clock in the forenoon and _____ of the clock in the afternoon; and that the said sheriffs or other returning officers on the same day, shall cause to be affixed on the doors of the court-house of such county of a city or county of a town, public notice of a special county court to be there holden, for the purpose of such election only, and which shall be holden on same day (Sunday, Christmas-day and Good Friday excepted) nor later from the day of making such proclamation, and affixing such notice, than _____ days, nor sooner than _____ days.

Whenever more than 500 Freeholders are registered in any county of a city or county of a town, additional places of polling shall be provided 23 G. 2. c. 5 & 6. 1 G. 4. c. 5.

And be it further Enacted, That whenever in any county of a city or county of a town the number of freeholders, appearing by the books of the clerk of the peace capable of voting at any election for the same, shall exceed _____ freeholders, it shall and may be lawful for the returning officers, and they are hereby required, to provide _____ or more places for the polling the freeholders of such county of a city or county of a town, and to make such division or divisions of the freeholders of such county of a city or county of a town, according to the first letters of their names, that it shall not be necessary for more than _____ freeholders to poll in any one place of polling, but so as not to divide the names beginning with the same letter of the alphabet; and such returning officers shall and they are hereby required to appoint as many deputies and poll clerks as shall be necessary to take the poll in such places of polling, not exceeding one deputy and one poll clerk for each place of polling: Provided however, That no greater number of polling places shall be provided by such returning officers, than _____ for every _____ freeholders, appearing by the books of the clerk of the peace to be capable of voting at each election.

At present the sheriff is bound to have a booth for every 500 Freeholders, but he is not bound; he may have one for every 50 Freeholders.

When Free-men shall exceed 1000, one additional place of polling may be provided for them.

And be it further Enacted, That whenever, in any county of a city or county of a town, the number of freemen appearing by the grand panel or roll of freemen of such county of a city or county of a town, capable of voting at any election for the same, shall exceed _____ it shall and may be lawful for the sheriffs or other returning officers, and such returning officers are hereby required, to provide _____ or more places for the polling of the freemen of such county of a city or county of a town; and that it shall and may be lawful for the returning officers, and they are hereby required, to appoint as many deputies and poll clerks as shall be necessary to take the poll in such places of polling, not exceeding one deputy, and one poll clerk for each place of polling; the respective places of polling of freemen to be separate and distinct from the places appointed for the polling of freeholders.

holders : Provided, however, That no greater number of polling places than shall be provided by such returning officers for such county of a city or county of a town.

And be it Enacted, That every poll which shall be demanded at any election of a Member or Members to serve in Parliament for any county of a city or county of a town in *Ireland*, shall commence on the day upon which the same shall be demanded, or upon the next day after at farthest (unless such day shall happen to be a Sunday, Christmas-day, or Good Friday, and in such case on the day next after) and shall be duly and regularly proceeded in from day to day, for so many hours of each polling day as the returning officer or officers is or are by this Act directed to keep the poll open (Sundays, Christmas-day, and Good Friday always and only excepted) until the same be finished, but so that no poll for the election of a Member or Members to serve in Parliament for any county of a city or county of a town in *Ireland* shall continue more than days at the most (Sundays, Christmas-day, and Good Friday always excepted;) and if such poll shall continue until the day, then the same shall be finally closed at or before the hour of in the afternoon of the same day; and the returning officer or officers at every such election shall, immediately after the final close of the poll, truly, fairly and publicly declare the name or names of the person or persons who hath or have the majority of votes on such poll, and shall forthwith make a return of such person or persons.

Polls shall begin on the day when demanded, or the day after, and continue daily, and conclude at 5 o'clock on the 12th day (Sundays, Christmas-day and Good Friday excepted.)
1 G. 4. c. 2.

Return shall be made on the 15th day.

And be it further Enacted, That every returning officer shall, before the commencement of polling, take and subscribe, in open court, the oath following; which every justice of the peace is hereby required and authorized to administer :

Returning Officer to take the following Oath

“ I, *A. B.* do swear, That I will honestly, impartially and without favour to any candidate, take the poll at this election; and that I have not directly or indirectly received, nor will I hereafter directly or indirectly receive any money, gift, reward, promise, contract or security for money or other reward, for or in respect of the conduct which I shall observe during the ensuing poll or the return which I shall make at the close thereof, except the expenses of erecting booths, hiring buildings, keeping them in repair, and the payment of clerks and deputies and counsel for my assistance; and that I will return such person or persons as shall appear, to the best of my judgment, at the close of the poll to have the majority of legal votes.”

OATH.
25 G. 2. c. 6.

And that every deputy appointed by virtue of this Act, shall, before he proceeds to take the poll, take and subscribe, in open court, the oath following, in the presence of the returning officer or officers, who is and are hereby required and empowered to administer the same :

Deputies to take the following Oath:

331a

“ I, *A. B.*

OATH

" I, *A. B.* do swear, That I will honestly, impartially and without favour to any candidate, take the poll at this election;
 " and that I have not directly or indirectly received, nor will
 " I hereafter directly or indirectly receive any money, gift,
 " reward, promise, contract or security for money or other
 " reward, for or in respect of the conduct I shall observe
 " during the ensuing poll; and that I will make a fair and
 " true return of all such persons as shall tender their votes
 " before me, to be by me taken to the returning officer or
 " officers by whom I am appointed, whenever and as often
 " as I shall be thereunto required by him or them."

And a memorandum of every of the said oaths being taken, shall be entered on the poll book.

Oath of Clerks
for taking
poll of free-
holders;
1 G. 4. c. 41.

And be it further Enacted, That every person whom any returning officer at any election for a Member to serve in Parliament for any county of a city or county of a town, shall employ to act as clerk for taking the poll of freeholders shall, before his beginning to take such poll, take an oath in the form following:

" I, *A. B.* do swear, That I will, at this election of a Member
 " [or, Members *as the case may be*] to serve in Parliament for
 " the county of the city or the county of the town [or *the*
 " *case may be*] of truly and indiffer-
 " ently take the poll, and set down the number opposite to
 " the name of each freeholder in the registry book, his name
 " and the place of his abode, and the situation and the value
 " of his freehold, and for whom he shall poll."

His duty.

Which oath every returning officer is hereby authorized and empowered to administer; and every such clerk of the peace shall enter in a book, to be provided for that purpose, the number which shall appear in the alphabetical registry book opposite to the name of each freeholder who shall tender his vote, or offer to poll at such election, in the booth to which such clerk shall be appointed, the name of such freeholder, and the place of his abode, the situation and value of his freehold, and for whom he shall vote.

Oath of Clerks
taking poll of
Freemen;

And be it further Enacted, That every person whom any returning officer, at any election for a Member to serve in Parliament for any county of a city or county of a town, shall employ to act as a clerk for taking the poll of freemen, shall, before his beginning to take such poll, take an oath in the form following:

" I, *A. B.* do swear, That I will at this election of a Member
 " or Members [or *as the case may be*] to serve in Parliament for
 " the county of the city or county of the town [or *as the case*
 " *may be*] of truly and indifferently take
 " the poll, and set down the name and the place of abode
 " of each freeman, and for whom he shall poll."

Which

Which oath every returning officer is hereby authorized and required to administer; and every such clerk shall enter in a book to be provided for that purpose, the name and the place of abode of each freeman who shall tender his vote, or offer to poll at such election, in the booth for which such clerk shall be appointed, the place of abode of such freeman, and for whom he shall vote.

his duty.

And be it further Enacted, That it shall and may be lawful to and for the sheriff, and other returning officers, at any election for a Member to serve in Parliament for any county of a city or county of a town, and they are hereby required, to erect a booth or hire a building, unless there shall already be some fit and convenient place for the purpose, wherein they may and shall decide all the disputed questions, and all the objections to votes that may be referred to them, and which booth or building, or other place, shall be separate from and exclusive of the number of booths or buildings, or other places necessary for the polling of the electors; and such returning officers, or one of them, is and are hereby required to give his or their constant attendance in such separate booth, building or other place, in which the polling shall continue each day.

Sheriff shall attend at a booth drawn from polling booths, to decide disputed questions.

1 G. 4. c. 7.

And be it further Enacted, That the respective deputies to be appointed by the sheriffs, or other returning officers, in manner herein mentioned, shall appoint in each place of polling such one person for each candidate as shall be nominated to him by such candidate, to be an inspector of the clerk appointed for taking the poll, and the agent of such candidate in such place of polling; and shall also appoint such one other person for each candidate as shall be nominated by such candidate, to be a clerk for keeping a cheque book of the poll book in such place of polling.

Deputy Sheriffs to appoint in each place of polling one person to be Inspector and Agent, and another to be Clerk for checking the poll clerk for each candidate.

1 G. 4. c. 7.

And be it further Enacted, That the sheriffs, or other returning officers of every county of a city or county of a town, may from time to time during every election, remove any deputy who shall be appointed in manner herein directed, and appoint another in his room, or may change any deputy from one booth or building to another, as such returning officers shall think fit: Provided always, That every such removal or new appointment of a deputy, or change from one booth or building to another, shall be made publicly, and proclaimed in the place where such deputy shall take the poll, by the returning officer or officers, or some person to be for that purpose appointed by him or them.

Deputies may be removed, &c.

35 G. 3. c. 11.

And be it further Enacted, That it shall and may be lawful to and for the officers at any election for a county of a city or county of a town in Ireland, and they are hereby required, on the demand in writing of any candidate, to appoint a sufficient number of competent persons to act as interpreters, in order to translate faithfully such oaths, affirmations, and such questions and answers as are required to be taken, made, asked or given, at any such election; and that every

On demand of candidate, Returning Officers shall appoint interpreters.

1 G. 4. c. 8.

such interpreter shall, immediately after such appointment and before he shall proceed to act under such appointment, take the following oath; and every returning officer is hereby required and empowered to administer the same:

OATH

" I, A. B. do swear, That I will faithfully interpret such oaths, 5
 " affirmations, questions and answers, as I shall be directed
 " to interpret by the returning officer or officers, and his or
 " their deputy or deputies [as the case may be]; and that
 " every such person so appointed for the purpose aforesaid,
 " shall be entitled to receive the sum of shillings for 10
 " each day of his attendance."

Clerk of the
 Peace shall
 appoint a per-
 son to attend
 at elections
 with Registry
 Books and
 original
 Affidavits of
 registry,
 alphabetically
 arranged, &c.
 1 G. 4. c. 2.

And be it further Enacted, That the clerk of the peace, at every election of a Member to serve in Parliament for any county of a city or county of a town in Ireland, shall appoint, or in failure thereof, the sheriffs or other inferior officers thereof shall appoint a deputy clerk 15 of the peace, who shall attend with the original registry book or books in which the entries of the registry of all freeholds shall be first entered at the booth to be provided for the sheriffs or other returning officers, as hereby directed, and also a deputy clerk of the peace, and also an assistant to such deputy, to be present in each place of polling 20 of freeholders; and such deputy shall take with him into such place of polling such of the alphabetical registry books belonging to the county of a city or county of a town, as shall contain the names of the freeholders to be polled in such place of polling, and the original affidavits or affirmations which shall have been made by the persons 25 capable of voting in such place of polling respectively; which affidavits or affirmations the clerk of the peace is hereby required to have arranged alphabetically in separate parcels (one or more for each letter of the alphabet,) and indorsed with the names of the persons by whom the same were respectively made, and also with the number of the entry 30 of each affidavit or affirmation in the original registry book; and that in those cases wherein a certificate of registry shall not be produced by the person tendering his vote or offering to poll, such deputy shall, on the demand of the returning officer's deputy, produce the original affidavit or affirmation of the registry of such persons; and that such deputy clerk 35 of the peace shall be entitled to receive the sum of shillings and no more, for each day of his attendance, any Act to the contrary notwithstanding; and such assistant to such deputy shall be entitled to receive the sum of shillings for each day of his attendance; and that if such deputy or such assistant to such deputy shall alter, deface, 40 destroy, or lose any affidavit or affirmation of registry committed to his care, he shall forfeit the sum of pounds for every such offence, to any person suing for the same, by action of debt, at any general quarter sessions of the peace.

Deputy Town
 Clerk to at-
 tend Sheriffs
 with books
 containing

And be it further Enacted, That at every election of a member to 45 serve in Parliament for any county of a city or county of a town in Ireland, the town clerk or other officer, having charge of the books relating

- relating to the granting of or admissions to freedoms for such county of a city or county of a town shall appoint, or in failure thereof the sheriffs or other returning officers shall appoint a deputy town clerk or other such officer, as shall have charge of such books, and such deputy so appointed shall attend in the place appointed for the attendance of such sheriffs or other returning officers, and shall take such books with him thereto; and in case the sheriffs or other returning officer shall deem it expedient to refer to any of the entries contained in such books, such deputy town clerk or other officer shall produce the same to such sheriff or other returning officer; and such deputy town clerk or other returning officer shall be entitled to receive the sum of Shillings, and no more, for each day of his attendance.

entries of
grants of ad-
missions to
freedom.

- And be it further Enacted, That at every election for a Member to serve in Parliament for a county of a city or county of a town in Ireland, the town clerk or other officer having charge of the grand pannel or roll of freemen of such county of a city or county of a town, shall provide a copy of such grand pannel or roll of freemen for each place of polling freemen at such election; and shall appoint, or in failure thereof, the sheriffs or other returning officers of such county of a city or county of a town, shall appoint a deputy town clerk or other officer, having charge of such grand pannel or roll of freemen for each place of polling freemen at such election; and such deputy so appointed shall take with him to such place of polling, a copy of such grand pannel or roll of freemen, and shall produce and refer to the same, as shall be directed by the sheriffs or other returning officers or their deputy, presiding in such place of polling; and each of such deputies shall be entitled to receive the sum of Shillings, and no more, for each day of his attendance.

Town Clerk
to provide
copy of Grand
Pannel or roll
of Freemen
for each poll-
ing place, for
Freemen;

and shall
appoint
deputy to at-
tend with it.

- And be it further Enacted, That at every election of a Member or Members to serve in Parliament, for any county of a city or county of a town, the returning officer's deputy shall, if required by any candidate, or the inspection of any candidate so to do, in person administer, in the place of polling in which he presides, an oath, in the following form, to every person separately who shall tender his vote, or offer to poll at such election, and immediately after the production of the certificate or affidavit of registry, when any such person offers to vote by virtue of a freehold, that is to say:

Oath of not
having voted
before and of
being of age,
to be put, if
required.
1 G. 4. c. 11.

- " I, A. B. do swear, [or, being a Quaker or Moravian, do solemnly affirm] That I will true answer make to all such questions as the sheriffs or other returning officer's deputy [as the case may be] presiding in this booth, shall demand of me; and I do also swear, [or, being one of the people called Quakers or Moravians, do solemnly affirm] That I have not polled before at this election, and that I am, as I believe, twenty-one years of age.

OATH.

" So help me GOD."

Oath of not
having received
reward for
voting, to be
administered,
if required.

35 G. 3. s. 60.

And he it further Enacted, That at every such election for a county of a city or county of a town, the returning officer's deputy shall, if required by any candidate, or the inspection of any candidate so to do, also administer, in the place of polling in which he presides, an oath in the following form, to every person separately who shall tender his vote, or offer to poll at such election, before such person shall be permitted to poll :

OATH.

" I, A. B. do swear, [or, being of the people called Quakers,
" I, A. B. do solemnly affirm,] I have not received or had
" myself, or any person whatsoever in trust for me, or for
" my use and benefit, or for the use and benefit of any of
" my family or kindred, to my knowledge or belief, directly
" or indirectly, any sum or sums of money, office, place or
" employment, gift or reward, or any promise or security
" for any money, office or employment, in order to give my
" vote at this election."

Deputy to
refer to Registry
Book, and
Certificate of
Registry
deemed con-
clusive evi-
dence, and in
default there-
of, the original
affidavit.

1 G. 4. s. 10.

And he it further Enacted, That in every case in which any person shall tender his vote, or offer to poll at any election for a Member to serve in Parliament for a county of a city or a county of a town, by virtue of a freehold, the returning officer shall, in the first place, refer to the entry of the registry of the affidavit or affirmation, in the alphabetical book furnished by the clerk of the peace in which the same shall be contained, and write down opposite to the same the initial letters of his name, and then he shall refer to the certificate or affidavit of the registry of the same; and that if any such person shall produce a certificate of the registry of his freehold corresponding with such entry of the original affidavit or affirmation, without any erasure or interlineation therein, signed as required by law, such certificate shall, without further proof, be deemed of equal authenticity with the original oath or affirmation, and conclusive evidence that such person so tendering his vote, or offering to poll, had registered such freehold, and the returning officer's deputy shall write down the initials of his name upon the margin of such certificate; and that in all cases wherein no such certificate shall be produced by the person tendering his vote, or offering to poll, or wherein such certificate, if produced, shall appear to the returning officer's deputy not to be in manner and form as aforesaid, it shall and may be lawful for the returning officer's deputy, and he is hereby required, to direct the deputy clerk of the peace to produce the original affidavit or affirmation of the registry of the freehold of such person so tendering his vote, or offering to poll.

When entry
of Freehold
appears in
registry, vote
to be taken,
unless Oath
required or
objections
made.

1 G. 4. s. 11.

And he it further Enacted, That whenever the entry of the affidavit or affirmation shall appear in the registry book, and that any such person shall have produced such a certificate of registry as is hereinbefore described, or that the original affidavit or registry shall have been produced by the deputy clerk of the peace, and that such person so tendering his vote, or offering to poll, shall have taken the oath aforesaid,

aforesaid, if required so to do, such deputy shall then ask such person
 for whom he votes, and the vote of such person shall be entered on
 the poll book according to his answer, unless such deputy shall be
 required by any candidate, or the inspector of any candidate, to put
 5 to such person the questions hereinafter mentioned, or unless the ob-
 jection be made to such vote in manner herein directed: Provided
 always, That it shall and may be lawful to and for the returning
 officer's deputy to take the vote of any person tendering his vote, or
 offering to poll, whose freehold appears on the registry book, with-
 10 out referring to the certificate or affidavit, or affirmation of registry,
 if he be not required by any candidate, or any inspector of any can-
 didate, so to do.

And be it Enacted, That the returning officer's deputy shall, if
 required by any candidate, or the inspector of any candidate, so to do,
 15 put the following questions, and no others, to any person tendering
 his vote, or offering to poll, at any election for a Member to serve in
 Parliament for a county of a city or county of a town in Ireland,
 without allowing any person to interrupt him:

Questions as
 to votes
 1 G. 4. c. 12.

1. What is your Name?
2. Where do you reside?
3. Do you swear, that you are possessed of a freehold in
 the county of the city or county of the town of
 [naming the county of a city or county of a town, for
 which the election is held?]
4. Where is such freehold situated?

Questions
 be put to
 Freeholders,
 if required.

And that the returning officer's deputy shall then, if required by any
 candidate, or the inspector of any candidate, so to do, refer to the
 certificate of registry, if one be produced by the person tendering his
 vote, or offering to poll; or, if none be produced, to the original affi-
 30 davit of registry; and then shall immediately ask, if required by any
 candidate, or by the inspector of any candidate, so to do, without
 making, or allowing any other person to make, any comments or
 observations upon the said certificate or affidavit, the following
 questions:

5. Is the freehold described in this certificate or affidavit of
 registry [as the case may be] the same freehold which you now
 swear you are possessed of, or by virtue of which you now offer
 to vote?

And that, in case it shall appear to the returning officer's deputy,
 40 from the certificate or affidavit of registry, that any person shall render
 his vote, or offer to poll, in respect of a freehold of the value of
 shillings only (unless such freehold shall be subject
 only to quit or crown rent, or shall arise from a fee farm grant, or
 under a lease or leases for ever, or for lives renewable for ever) the
 45 said deputy shall then, if required by any candidate so to do, put the
 following questions:

6. Do you swear, that you have been in the actual occupa-
 tion of this freehold, as described in your certificate or affidavit

of registry [as the case may be] by tilling it, or by grazing it, by residing upon it during the whole of the last twelve months?

7. Do you swear, that the freehold is now of the clear yearly value of forty shillings, above all charges payable out of the same?

And when such person so tendering his vote or offering to poll, shall have answered the questions that shall have been demanded of him as aforesaid, such deputy shall ask such person for whom he votes; and the vote of such person shall be entered in the poll book according to his answer, unless an objection be made to such vote, in manner herein directed: Provided always, That if it shall appear to such deputy, from the answers which shall be given by any person to the first four questions aforesaid, that his freehold arises from a rectory, vicarage or curacy, or other ecclesiastical preferment, the said deputy shall not proceed to put to such person the other questions hereinbefore mentioned; but when such person shall have answered such four questions, such deputy shall ask such person for whom he votes; and the vote of such person shall be entered in the poll book, according to his answer, unless an objection be made to such vote, in manner herein directed: And provided always, That if an entry of the affidavit or affirmation of the registry of the freehold of any person tendering his vote, or offering to poll, required by law to be registered, shall not appear in the registry book, or that, if any person tendering his vote, or offering to poll, shall not either produce such a certificate of registry as by law required, or be able to refer to an original affidavit or affirmation of his registry, in the possession of the deputy clerk of the peace, or that, if any such person shall refuse to take the oath aforesaid, or shall not give a direct answer to each of the questions to be put to him by the returning officer's deputy, or that the person so examined shall admit, in his answer or answers to the said question or questions, that he is not the person whose freehold is registered, or that he has no freehold, or that the freehold described in his certificate, or affidavit, or affirmation of registry [as the case may be] is not the freehold for which he tenders his vote, or that he has not been in the occupation thereof for the whole of the last twelve months, or that the same is not, at the time of tendering his vote, of the value of shillings, above all charges payable out of the same; then, and in every and in any such case, it shall and may be lawful to and for such deputy, and he is hereby required, authorized and empowered, to refer such person to the returning officer or officers, or his or their assessor, for examination, and to proceed immediately to receive the vote of the next person who shall tender his vote, or offer to poll.

If entry of Freehold shall not appear in book, &c. deputy to refer person offering to vote to Returning Officer.

1 G. 4. c. 11.

Questions to be put to persons offering to vote as freemen, if required.

And be it further Enacted, That in every case in which any person shall tender his vote, or offer to poll, at any election for a Member to serve in Parliament for any county of a city or county of a town, the returning officer's deputy shall, if required by any candidate, or the inspector of any candidate, so to do, put to such person the following questions, and no other:

What is your Name?

Are

Are you a freeman of the county of the city or county of the town of [naming the county of a city or county of a town, for which the election is held ?]

Have you been sworn?

5 And when the person so tendering his vote, or offering to poll, shall have answered such questions, such deputy shall ask such person for whom he votes; and the vote of such person shall be entered in the poll book according to his answer, unless an objection be made to such vote, in manner herein directed.

10 And be it further Enacted, That at any election for a Member to serve in Parliament for any county of a city or county of a town, no objection shall be made to vote until after the person tendering the same shall have declared for whom he votes; and that if the vote of any person shall be then objected to by an inspector of any candidate, 15 the poll shall not be on that account delayed, but the returning officer's deputy shall direct the poll clerk to enter a memorandum on the poll books, shewing to which candidate or candidates such person has given his vote, and he shall immediately proceed to receive the vote of the next person who shall tender his vote or offer to poll; 20 and that the inspector who shall have made the objection on behalf of any candidate, shall instantly write down a memorandum on a printed form, to be provided by the returning officer, containing the name of the voter, the place of his abode, and the nature of the objection or objections, and sign and date the same, and shall give 25 the same to the returning officer's deputy, and shall sign the same with the initial letters of his name, and then give the same to the assistant deputy clerk of the peace, who shall take the same, together with the certificate or affidavit, or affirmation of registry, if it shall be necessary so to do, to the returning officer, to decide on the validity 30 thereof; and that it shall thereupon be lawful to and for the returning officer or officers, or his or their assessor, at the discretion of such returning officer or officers, or his or their assessor only, to order the voter to attend before him or them during the inquiry into his vote, and for such returning officer or officers, or his or their assessor, to 35 examine such voter, by such questions as such returning officer or officers, or his or their assessor shall think necessary to ask, as to any objection or objections made to his vote; and such returning officer or officers, or his or their assessor, shall administer an oath to such voter, in the form following:

Where vote is objected to, a memorandum of the objection shall be made by the Poll Clerk for the Returning Officer to decide.
1 G. 4. c. 12.

40 " I, A. B. do swear [or, being a Quaker or Moravian, do OATH
" solemnly affirm] That I will true answers make to all such
" questions as shall be here put to me by the returning officer or officers, or his assessor [as the case may be]
" So help me GOD."

45 And that if the vote shall be allowed, the returning officer or officers, or his or their assessor, shall write down upon the memorandum these words,
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words, " Allow this vote ;" and that if the vote shall be disallowed, then the returning officer or officers, or his or their assessor, shall write down upon the memorandum these words, " Reject this vote ;" and that in either case, the returning officer or officers, or his or their assessor, shall write down the initials of his or their name or names under the words so directed to be written down upon the memorandum ; and the returning officer or officers, or his or their assessor, shall then deliver the said memorandum to the same assistant deputy clerk of the peace, who had brought it to him or them, to be forthwith carried back to the returning officer's deputy ; and that such deputy shall either reject such vote, or order the poll-clerk to enter the same upon the poll for the candidate or candidates to whom it had been given, according as he shall be directed by the returning officer or officers, or his or their assessor ; and that every such memorandum shall be preserved by such deputy, and be delivered to him by the returning officer or officers, to be attached to the poll-books at the close of the election ; and that the form of the said memorandum, so to be prepared as aforesaid, shall be as follows:

1 G. 4. c. 18.

Number in the Registry Book.	Name of Voter.	Abode of Voter.	Objection.
		(signed) Dated day of 18	
Allow this vote.		Reject this vote.	
(signed)		(signed)	

Provided always, That in case any objection be taken to vote which shall not be in substance different from one previously ruled by the returning officer or officers, or his or their assessor, or in case any objection be taken which shall appear to such deputy to be frivolous, or taken for the purpose of delay, that then in every such case it shall not be lawful to and for the deputy to transmit the memorandum containing

containing such objection, to the returning officer or officers, and that in every such case, such deputy shall admit the vote so objected to, to be entered upon the poll.

- And be it further Enacted, That if an entry of the affidavit or affirmation at any election for a Member or Members to serve in Parliament for any county of a city or county of a town in *Ireland*, of the registry of the freehold of any person tendering his vote or offering to poll, required by law to be registered, shall not appear in the registry book, or if any person tendering his vote, or offering to poll, shall not either produce such certificate of registry, as by law required, or be able to refer to an original affidavit or affirmation of his registry, in the possession of the deputy clerk of the peace, or if any such person shall refuse to take the oath aforesaid, or shall not give a direct answer to each of the questions to be put to him by the returning officer or officers, or his or their assessor, or if it shall appear to such returning officer or officers, by the admission of the person so offering to vote, or upon a due examination of one or more credible witness or witnesses, upon his or their oath or oaths (which oath or oaths the returning officer or officers is and are hereby authorized and empowered to administer) that the person offering to vote by virtue of a freehold at such election, has polled before at such election, or has personated another elector for the purpose of polling at such election, or has polled by virtue of a forged certificate of registry, or offers to poll by virtue of a registry of an alleged freehold, under a lease for a life or lives, made by a lessor who had not at the time of making the same, a freehold estate therein, or by virtue of a registry of an alleged freehold, under a lease for a life or lives, which lease is to end and determine on some such covenant or condition, that a freehold estate has not been demise by the same, or by virtue of any freehold estate of which he shall not be *bona fide* seized, then, and in any or either of such cases, the returning officer or officers shall reject the vote of the person so tendering such vote, or so offering to poll at such election.

Circumstances under which Returning Officers reject vote of person claiming to be Freeholder.
1 G. 4. s. 13.

- And be it further Enacted, That if at any election for a Member or Members for any county of a city or county of a town in *Ireland*, it shall appear to the returning officer or officers, that any person tendering his vote, or offering to poll at such election, has personated any freeman for the purpose of polling at such election, or that such person is not a freeman, or (unless the freedom of such person shall have come to him by service, birth-right or marriage) that he has not been admitted to his freedom, or that his freedom has not been granted to him six months, at the least, before the teste of the writ for holding such election, then, and in any or either of such cases, such returning officer or officers shall reject the vote of the person so tendering such vote, or offering to poll at such election.

Circumstances under which votes tendered by persons claiming to be Freeman, may be rejected.

And be it further Enacted, That if any person shall be admitted to poll at any election for a Member to serve in Parliament for a county

Improper votes to be taken off the poll by the

Returning
Officer on
complaint of
candidate.
1 G. 4. s. 18.

of a city or county of a town, who has polled before at such election, or who has personated another elector for the purpose of polling at such election, or who has polled by virtue of a forged certificate of registry, or who has polled by virtue of a registry of an alleged freehold under a lease of land or tenements, for a life or lives, made by a lessor who had not at the time of making the same, a freehold estate therein; or by virtue of a registry of an alleged freehold under a lease of land or tenements for a life or lives, which lease is to end and determine on some such covenant or condition, that a freehold estate has not been demised by the same; or by virtue of any freehold estate of which he shall not be *bona fide* seized, it shall and may be lawful for the returning officer or officers, and they are hereby required authorized and empowered, upon the complaint of any candidate, to take the vote of such person off the poll, at any time before the final closing of the same: Provided always, That the act complained of as having been committed by such person, be set forth and described, and positively declared to have been committed by such person, in an affidavit to be sworn before a Justice of the peace, and that such affidavit be delivered to the returning officer or officers; and farther, that the act complained of shall appear to the returning officer or officers, upon a due examination of one or more credible witness or witnesses concerning the same, upon his or their oaths, to be proved to have been committed by such person, which oath or oaths the returning officer or officers is or are hereby authorized and empowered to administer: Provided always, That the affidavit setting forth every such complaint, shall be delivered to the returning officer or officers on the same day on which the act complained of shall have been committed.

Returning
Officer only,
to examine
votes ob-
jected to.
1 G. 4. s. 16.

And be it further Enacted, That it shall not be lawful for any other person whatever other than the returning officer or officers, or his or their assessor, to ask any question of any person who shall be examined by the returning officer or officers, or his or their assessor, on account of his vote, or the vote of any other person or persons, having been objected to, but that it shall and may be lawful to and for the returning officer or officers, or his or their assessor or assessors, at the discretion of such returning officer or officers, or his or their assessor only, to permit a barrister or barristers to argue any question of law before him or them.

Refusing
persons from
speaking dur-
ing the time
of polling.
1 G. 4. s. 15.

And be it further Enacted, That it shall not be lawful for any person, whether barrister, attorney, inspector, agent, candidate, or elector, or any other person whatsoever, to plead or speak in any place of polling during the hours appointed for polling, under this Act, on any matter or thing whatsoever.

Returning
Officer may
commit per-
sons obstru-
ing the Poll.
1 G. 4. s. 19.

And be it further Enacted, That it shall and may be lawful to and for the returning officer or officers, or his or their deputy or deputies, at any election, and he and they is and are hereby authorized and empowered to commit all persons to gaol, without bail or mainprize, who

who shall plead, or speak on any matter or thing contrary to the provisions of this Act, or who shall be found rioting, or interrupting the poll, or wilfully preventing the approach of electors to the place of polling, or who shall be guilty of a contempt to such returning officer or officers, or to such deputy or deputies; provided that the time of such imprisonment shall not in any case exceed twenty-four hours.

And be it further Enacted, That it shall not be lawful for any deputy of any returning officer to put any questions to any person tendering his vote or offering to poll at any election for a Member to serve in Parliament for a county of a city or a county of a town, save and except those questions hereinbefore directed to be put, or to make any comments or observations on the answers which may be given to the same, or on any matter or thing relating to any vote which may be tendered before him; and that if any objection be made to any vote at any election for a county of a city or a county of a town, or other place, such objection shall be forthwith referred by the returning officer's deputy, as hereinbefore directed, to the returning officer, and that it shall not be lawful for any such deputy to investigate the right of any person to vote further or otherwise, than as hereinbefore directed, or to reject the vote of any person, without reference to the returning officer.

Deputies shall not reject votes or examine voters except as before provided.
1 G. 4. s. 15.

And be it further Enacted, That every returning officer shall give such instructions in writing to his deputy or deputies, appointed for taking the poll at any election, as may be necessary to point out to him or them what is required of him or them to be done in respect of the objections to votes which may be made, and in respect of the manner of transmitting them to such returning officer or officers, and in respect of the due performance of his or their duty as such deputy or deputies, and that every such deputy shall obey such instructions as shall be so given by such returning officer or officers.

Instructions to be observed by deputies.
1 G. 4. s. 15.

And be it further Enacted, That every deputy shall, upon notice given to him by the returning officer, each day close his poll book, and deliver in the same immediately to such officer, who shall sum up thereupon the number of votes polled on such day for each candidate, to be read aloud in open court; and if any deputy shall refuse to deliver his poll book when required by the returning officer, or shall continue to take the poll after he shall have been directed by him to stop, and before he shall be again directed by him to proceed, or after his deputation shall be revoked, he shall forfeit the sum of ten pounds to any person who shall sue for the same, to be recovered as herein-after directed; and every vote admitted by him after such refusal or direction to stop, or revocation, shall be void, and the person who offered such vote shall not be deemed to have voted, and is hereby declared not to have voted or to have been polled at such election.

Deputy to close and give up his poll book each day to officer, who shall sum up the number.
10 G. 4. s. 15.

And be it further Enacted, That any deputy, sheriff, poll clerk, clerk of the peace, deputy clerk of the peace, assistant deputy clerk

Deputy sheriff and officers neglecting their duty

at election,
shall lose their
compensa-
tion.

1 G. 4. c. 40.

of the peace, deputy town clerk, or other officer, interpreter, constable,
bailiff or peace officer, who shall absent himself from the duty of his
office at any election of a Member or Members to serve in Parliament
for any county of a city or county of a town, during any part of the
time that the poll shall be kept open on each day, shall forfeit all
compensation for his attendance during such election; and that the
returning officer or officers is and are hereby authorised and required,
in case of the absence, neglect, misconduct, or insufficiency of any
such person or persons, immediately to remove any such person or
persons, and to appoint a person or persons to fill his or their place
or places.

Appointing
the hours for
commencing
and ending
the poll each
day.

1 G. 4. c. 40.

And be it further Enacted, That the returning officer or officers, at
every election for a Member to serve in Parliament for any county of
a city or county of a town, shall cause the poll to be kept open in
every place, and on every day of polling, from of the
clock in the morning, except on the first day of polling, until
of the clock in the afternoon, except on the last day of polling,
between the day of April and the
day of September, and from of the clock in the
morning, except on the first day of polling, until of
the clock in the afternoon, except on the last day of polling, between
the fifteenth day of and the day
of and that in case any disputed question, or any
objections to votes referred to him or them by his or their deputy or
deputies, shall not be decided during the time for which the poll shall
be so kept open, the returning officer or officers shall give his or their
attendance in his or their booth or other place of sitting, and proceed
to decide the same after the polling shall have ceased, or before the
polling shall have commenced on any day or days of polling, except
the last day of polling.

After the 4th
day Return-
ing Officer
may close any
booth when
no have not
polled in the
day.

1 G. 4. c. 40.

And be it further Enacted, That it shall and may be lawful for the
returning officer or officers, at any election for a Member to serve in
Parliament for every county of a city or county of a town, and he
and they is and are hereby required, on any day after the fourth day
of polling, computing therein the day on which the poll shall be com-
menced, to close finally the poll in any booth or place of polling in
which no more than twenty persons have polled, or been referred for
decision to the returning officer or officers during that day: Provided
always, That in case it shall appear, upon the evidence of two or
more credible witnesses taken upon oath (and which oath the return-
ing officer or officers is and are hereby empowered to administer) to
the returning officer or officers, that any person intending to offer
themselves to poll in such booth or place of polling, have been pre-
vented by force and violence from coming to the same for the purpose
of polling on that day, that then and in every such case it shall be
lawful to and for the returning officer or officers to keep such booths
or place of polling open for another day, and so on from day to day if
such force and violence be repeated, and be found to have taken place
on

on such evidence as aforesaid, to the satisfaction of the returning officer or officers.

And be it further Enacted, That at any election of a Member to serve in Parliament for any county of a city or county of a town, it shall be lawful to and for the returning officer or officers to summon all constables bailiffs and other peace officers to attend the places of polling, and to keep the peace at such election, and to perform such other things as shall be assigned to him by the returning officer or officers, and to appoint any number of special constables that he or they may think proper, to aid and assist therein; and that every constable bailiff or peace officer, when so summoned, who shall neglect to attend during the whole of such election, or to obey the lawful commands of the returning officer or officers, shall forfeit such office of constable bailiff or other peace officer, and all salary due to him in respect thereof.

Returning Officer may summon constables, bailiffs, &c. to attend elections.

1 G. 4. c. 12.

And be it further Enacted, That in case of the death or the severe illness of any returning officer, during the continuance of the poll at any election for a county of a city or county of a town, it shall and may be lawful for the other returning officer, if there be two such returning officers, or for the first sworn deputy, if there be but one returning officer, or being two returning officers, in case of the death or severe illness of both such returning officers, one is hereby required, under the penalty of forfeiting to any person who shall sue for the same, to proceed with the poll, and to act in every respect for all the purposes of the election, and with all the power and authority to do any act required by law to be done by a returning officer at any such election, as if he had been originally the returning officer; and that such deputy shall take the oath directed by law to be taken by the returning officer, at the commencement of the poll, which oath any two Justices of the peace are hereby authorized to administer, and that such other returning officer, or deputy, shall proceed with the poll, and finally close the same at the time hereinbefore required, and make a return of the person or persons who hath or have the majority of votes, unless his authority shall be superseded by the recovery of the returning officer; and that in case of the death or severe illness of such first sworn deputy, the next deputy in succession shall act as the returning officer, subject to the like penalty, and with the same powers, and take the returning officer's oath in manner aforesaid, and so on, each deputy in succession shall in like manner act as the returning officer, in case of the death or severe illness of the acting returning officer, and another deputy, or or other deputies, shall be appointed in lieu of the deputy or deputies who may thus take the place of such returning officer or officers: Provided always, That the deputy who shall thus take the place of such returning officer, shall be entitled to the same remuneration for his services at such election, as if he had continued to act as deputy.

In case of death or illness of Returning Officer, the first sworn deputy shall perform the duty

1 G. 4. c. 12.

And be it further Enacted, That no returning officer or officers for any county of a city or county of a town, shall, upon any pretence

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whatsoever,

No more to be returned than required by the Writ.
35 G. 2. c. 12.
37 G. 3. c. 14.

Officer to have casting voice.

whosoever, return more than the number of persons they or he shall, by the writ or precept, be required to return; and that, in case of an equality of voices for any two or more candidates, where two sheriffs, or other returning officers, shall preside, upon the close of the poll, the sheriff, or other returning officer, whose name shall stand first in the appointment to the office, shall, if he be present, give a casting voice; and if he be not present, the junior sheriff, or returning officer, shall give such casting voice, whether such sheriffs, or other returning officers, shall be otherwise legally qualified to vote, or not, or whether they shall have voted, or not, at such election; and if any returning officer or officers shall return more than the number of persons who shall, by the writ or precept, be directed to be returned, such returning officer or officers shall forfeit the sum of

Officer to forfeit 1,000*l* if he returns more than the number directed, and to be incapable of voting.

to the person who shall first sue for the same, to be recovered as hereinafter directed; and such returning officer or officers shall be rendered incapable of ever after voting at any election for a Member or Members to serve in Parliament.

Returning Officer or Deputy causing unnecessary delay to forfeit 500*l*
25 G. 3. s. 15

And be it further Enacted, That if any returning officer or officers, or any deputy, who shall be appointed pursuant to this Act, shall unnecessarily and wilfully protract the poll, or be guilty of any wilful and unnecessary delay in taking the same, every such returning officer or officers, and every such deputy, so offending, shall forfeit the sum of to any person who shall sue for the same, to be recovered as hereinafter directed.

Rioting not to be an excuse for closing the poll.
25 G. 3. s. 15.

And be it further Enacted, That if any person or persons shall violently, riotously, or outrageously disturb or interrupt any election, or the proceedings of the poll, such disturbance, riot, or misbehaviour shall not be any excuse to the returning officer or officers, nor afford him or them any pretence for closing the poll, or making a return; but the court shall thereupon be adjourned for some convenient time, as the occasion may require; and, if necessary, shall be further continued by adjournment from time to time, until such disturbance shall have ceased, when such returning officer shall again proceed in taking the poll; and every person who shall be, by due course of law, convicted of having violently, riotously, or outrageously disturbed the court, or otherwise misbehaved, so as forcibly to interrupt the proceedings of the poll, or of having wilfully effaced, obliterated, torn, altered or destroyed the whole or any part of the poll books of the returning officer or officers, or any deputy, whereon any thing relative to the said election shall have been entered, or of having forcibly or fraudulently taken or secreted the same, or any part thereof, or the writ or precept for holding such election, shall be adjudged guilty of

Persons rioting or injuring Poll Books, &c., to be transported for 7 years.

Return Writ to contain certificate of members who voted for respective candidates.
1 G. 4 s. 4.

And be it further Enacted, That in every case in which a poll shall take place at any election for any county of a city or county of a town in Ireland, the returning officer shall certify in his return to the writ for holding such election, the names of the candidates, and the numbers who voted for each candidate, as it appeared at the final close

close of the poll, and such certificate shall be admitted as evidence of the truth of the facts therein certified, unless disproved by contrary evidence.

And be it further Enacted, That in case of a general election, the
5 returning officer or officers who shall receive any writ, for the election of any Member or Members to serve in Parliament, for any county of a city or county of a town, shall make due return of such writ to the clerk of the crown, on or before the day on which such writ shall be returnable; and that in all cases where such writ shall be
10 issued during a session or prorogation of Parliament, the return shall be made of such writ to the clerk of the crown, within forty days after the teste thereof; and all and every such returning officer or officers as shall make default therein, shall forfeit to any person who shall sue for the same, the sum of
15 for each day such default shall be made, to be recovered in manner hereinafter mentioned

When Writs of Election are to be returned.
25 G. 3.
c. 37 & 38.

And be it further Enacted, That no fee gratuity or reward whatsoever, shall be given, paid, received or taken, by any sheriff or
20 returning officer or officers, of any county of a city or county of a town, for making out or for the delivery, return or execution of any writ or precept, for the electing a Member or Members to serve in Parliament; and that all contracts, promises, bonds and securities to be made or given to any sheriff, or other returning officer or officers, for making a return of any Member to serve in Parliament, or to
25 pay such sheriff or returning officer or officers any sum or sums of money, by way of gratuity or reward for making such return or otherwise in respect thereof, shall be and are hereby declared to be null and void; and whosoever shall make, give or accept of such contract, promise, bond or other security, or any gift or reward, to procure
30 any false return, shall forfeit a sum equal to the value given or intended to be given or accepted, in such contract, promise or other security, gift or reward; and also the further sum of to any person who shall first sue for the same, to be recovered as hereinafter directed.

No fee or reward to Returning Officer, contracts for making a Return shall be void.
25 G. 3. c. 37.

And be it further Enacted, That every election of return of any persons to serve in Parliament, for any county of a city or county of a town, who shall be under the age of twenty-one years, shall be deemed null and void; and that if it shall be determined by any committee of the House of Commons, who shall try any petition presented
40 against any such election or return, that such person was under the age of twenty-one years, on the day of such election, a new writ shall forthwith issue for the election of another person in his place.

Persons giving or accepting such, forfeit the amount and cost

Election of persons under 21 years shall be void, and new Writs issued
25 G. 3. c. 31.
37 G. 3. c. 30.

And be it further Enacted, That every returning officer who shall be by due course of law, convicted of having acted corruptly or partially, in the execution of his duty as returning officer, at any election of a Member or Members to serve in Parliament, for any county of
45 33¹.
a city

Punishment of officers returning corruptly or partially
1 G. 4. c. 11.

a city or county of a town, shall be adjudged guilty of high misdemeanor, and shall be imprisoned for a period not exceeding years; and such person so convicted, is hereby declared to be for ever incapable of holding any office or situation civil or military, under the crown.

5

Poll Books to be delivered to the clerk of the peace or other person having custody of the records

1 G. 4. c. 5

And be it further Enacted, That in every case in which a poll shall take place as aforesaid, the returning officer shall within twenty-one days of the final close of such poll, deliver all the poll books of such election to the clerk of the peace for such county of a city or county of a town, verifying upon oath (which oath any Justice of the peace for such county, county of a city, county of a town or place, is hereby empowered to administer) that the poll books which he delivers in are the original poll books of such election, upon which the return was founded; and that from the final close of the poll to the time he delivers in the same, there has not been any obliteration, erasure, addition or alteration made therein, and such poll books shall be carefully kept amongst the records of such county of a city or county of a town, and the production of such poll books, by such clerk of the peace or officer, or his deputy, shall be deemed sufficient evidence of the authenticity thereof, unless the same shall be disproved.

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Account of sums received by Sheriff, for expenses of election, to be furnished to clerk of the peace

And be it further Enacted, That the sheriffs or other returning officers of every county of a city or county of a town, shall at the same time that they shall return the poll books used at every election for such county of a city or county of a town, to the clerk of the peace, as hereinbefore directed, return therewith an account of the sums received for the expenses of such election, from the several candidates, and the application thereof, and shall verify the same on oath, which oath any Justice or Justices of the peace is and are hereby authorized to administer.

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Clerk of the Peace to take an oath.
45 G. 5. c. 10

AND for the better securing the performance of the duties directed to be performed by the clerk of the peace or his deputy, in respect to the registry of freeholds; BE it further Enacted, That the several clerks of the peace, or their deputies, of the several counties of cities and counties of towns of Ireland, shall, at the general quarter sessions of the peace or adjournment thereof next after the passing of this Act, or at the next general quarter sessions of the peace or adjournment thereof next after his appointment, take and subscribe an oath in the form following, and which oath the justices presiding at the said session are hereby directed and empowered to administer:

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" I, A. B. clerk or deputy clerk of the peace for the county of
 " [as the case may be] do swear, That
 " I will, faithfully and honestly, and without favour or affection, perform and discharge the several duties directed to be
 " performed by the clerks and deputy clerks of the peace, by
 " an Act passed in the year of His present Majesty's

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" Majesty's reign, intitled, [*here set forth the title of this Act*]; and that I will not demand or receive any fee or fees for discharging any of the said duties which I am not entitled to by law. So help me GOD."

5 And which the said clerks and deputy clerks of the peace are hereby required to deliver to the treasurer of the county of the city or county of the town (as the case may be) to be preserved amongst the records of the county.

And be it further Enacted, That no person to be hereafter elected
 10 to serve in Parliament for any county of a city or county of a town, shall after the teste of the writ of summons to Parliament, or after the vacancy shall have happened, to supply which the election shall be held, by himself, his friends or agents, or any person or persons employed in his behalf, directly or indirectly, give present or allow
 15 to any person or persons, having a vote or votes in such election, any money, meat, drink, entertainment or provision, cockades, ribbands or any other mark of distinction, or make any present, gift, reward or entertainment, or shall at any time hereafter make any promise, agreement, obligation or engagement, or give or allow any
 20 money, meat, drink, provision, present, entertainment or reward, to or for any such person or persons in particular, or to any such county of a city or county of a town in general, or to or for the use, advantage, benefit, employment, profit or preferment of any such person or persons, place or places, in order to be elected or for being elected
 25 to serve in Parliament, for such county of a city or county of a town; and that every person and persons so giving presenting or allowing, making promising or engaging, doing acting or proceeding, shall be and is and are hereby declared to be disabled and incapacitated to serve in Parliament upon such election, for such county of a city or
 30 county of a town.

No entertainment, present, cockade, ribband, &c.

25 G. 2. c. 10.

And be it further Enacted, That if any person who shall have or claim to have any right to vote in any election of a Member or Members of Parliament, for any county of a city or county of a town, shall directly or indirectly ask receive or take any money or other
 35 reward, by way of gift employment or other reward whatsoever, for himself, or any of his family or kindred, to give his vote, or to abstain from giving his vote in any such election, or if any person, by himself his friends or by any person employed by him, shall by any gift or reward, or by any promise or agreement, or security for any gift or
 40 reward, corrupt or procure any person or persons to give his or their vote or votes in any such election, or to abstain from giving the same, such person shall for such offence forfeit the sum of

Persons who ask or receive any reward for themselves or others, or who influence others for reward, &c. forfeit 500*l*.

35 G. 2. c. 12.

sterling, to the person who shall first sue for the same, to be recovered as hereinafter directed; and every person offending in any
 45 of the cases aforesaid, from and after judgment obtained against him in any action or information grounded on this Act, shall for ever be disabled to vote in any election of any Member or Members to serve

in Parliament; and also shall be for ever disabled to hold exercise or enjoy any office or franchise, to which he or they then shall, or at any time afterwards may be entitled, as member of any city, borough or town corporate, as if such person was naturally dead.

Persons polling twice, or purchasing Votes, may be punished by two years imprisonment.

1 G. 4. c. 20.
53 G. 5. c. 34.

And be it further Enacted, That every person who shall poll a second time, or offer to poll a second time at the same election, for any county of a city or county of a town, or who shall personate any other person, for the purpose of polling at such election, shall be guilty of a misdemeanor, and upon being thereof convicted, shall be imprisoned for any term not more than years, at the discretion of the Judge or Judges who shall try such person.

Penalty on Resident Voters, 30f.
4 G. 4. c. 27.

And be it further Enacted, That if any person shall vote at any election, by virtue of a registry of an alleged freehold under a lease for a life or lives, made by a lessor who had not at the time of making the same freehold estate therein, or under a lease of land or tenement for a life or lives, which lease is to end and determine on some covenant or condition, that a freehold estate has not been demised by the same, or under a lease for a life or lives, or a certain number of years, which life or lives is or are dead, or under a lease for a life or lives, which lease has expired or been surrendered, after due notice not to vote by virtue of any such registry shall have been given to such person by any candidate, or by an inspector of any candidate, and which notice every candidate and inspector is hereby authorized and empowered to give such person at any time before or during such election, or in the place of polling; such person, on being convicted thereof, shall forfeit to any person who shall sue for the same, the sum of to be recovered by him or them, with costs of suit, by proceeding in the nature of civil bill at any general quarter sessions of the peace that may be held for the county of the city or county of the town, in which such election shall have taken place, or by action of debt in any of His Majesty's courts of record in *Ireland*.

Persons voting from Freehold of which he is not an possessor, to be imprisoned six months.

55 G. 2. c. 20.

Perjury.

50 G. 5. c. 70.

55 G. 2. c. 74.

45 G. 2. c. 14.

And be it further Enacted, That if any person shall poll at any election, by virtue of a freehold which he had registered, and of which he shall not be in possession at the time of his polling, he shall (if thereof convicted) be imprisoned in the common gaol of the county for the space of months.

And be it further Enacted, That if any person who shall take any oath or affirmation hereby appointed or authorized to be taken, shall wilfully swear or affirm falsely therein, he shall be guilty of or false affirming, and shall and may be prosecuted for the same, as persons may be now prosecuted who are guilty of and being thereof convicted, he shall incur and suffer the pains and penalties which by law are or may be inflicted in cases of and shall be for ever incapable of giving a vote at any election of a Member to

serve

serve in Parliament; and if any person shall wilfully and corruptly proceed or suborn any other person or persons to take any such oath or affirmation, whereby such person or persons shall commit wilful perjury or false affirming, and shall be thereof convicted, such person
5 so offending, shall incur such as are
indicted by any Act or Acts for the more effectual preventing and punishing of subornation of perjury, and such person or persons shall for ever be incapable of giving any vote at any election of a Member to serve in Parliament.

10 And be it further Enacted, That all pecuniary penalties inflicted by this Act, shall be recovered with full costs, by action of debt, bill, plaint or information, in any of His Majesty's courts of record at *Dublin*, and that it shall be sufficient for the plaintiff in any such action of debt or information, to set forth in the declaration, that the
15 defendant is indebted to him in the sum of

Mode of recovering Penalties.
33 G. 2. c. 74.

and to alledge the particular offence for which such action or information is brought, and that the defendant hath therein acted contrary to this Act, without mentioning the writ of summons to Parliament, or the return thereof; and that it shall be sufficient in
20 any indictment for any offence contrary to this Act, to alledge the particular offence, and that the defendant is guilty, without mentioning the writ of summons to Parliament, or the return thereof; and that upon trial of any issue in any such action, information or indictment, the plaintiff, informer or prosecutor, shall not be obliged to prove
25 the writ of summons to Parliament, or the return thereof, or any warrant to the sheriff, grounded upon such writ of summons.

And be it further Enacted; That in case the plaintiff or informer, in any action or information given by this Act, shall discontinue, or be nonsuited, a judgment shall be given against him, the defendant
30 shall recover costs: Provided always, That every action, information, indictment or prosecution, grounded upon this Act, be commenced within after the offence shall be

Twelve Cts. if nonsuited.
33 G. 2. c. 74.

35 G. 2. c. 74.
Action to be commenced within one year.

committed: And provided also, That in any action or suit brought against any person or persons, for any thing done in pursuance of this
35 Act, or in relation to the matters therein contained, the defendant or defendants shall or may, at his or their election, plead specially, or the general issue, and give this Act and the special matter in evidence at any trial, and that the same was done in pursuance and under the authority of this Act; and in case the jury shall find a verdict for the
40 defendant or defendants, or if the plaintiff or plaintiffs shall be nonsuited, or discontinue his her or their action or suit, after the defendant or defendants shall have appeared, or upon any demurrer, judgment shall be given against the plaintiff or plaintiffs, then and in every such case, the defendant or defendants shall recover
45 costs, and have such remedy for recovering the same as any defendants hath or have in other cases by law.

General Issue may be pleaded.